



Serial No.: 10/822,100
Confirmation No.: 1720
Applicant: Giovanni Prodi et al.
Atty. Ref.: 12693.0027.00US00

REMARKS:

In the specification, paragraph [0010] has been amended as suggested by the Examiner.

Claims 1, 3-16 have been amended to conform these claims to U.S. practice. Originally, these claims were proper under Italian law; by amending these claims conforming them to U.S. practice, Applicant is not narrowing the scope of the claimed invention. Claim 2 is cancelled. Support for the above amendments to the claims may be found in the specification as filed.

Claim Objections: Applicants have deleted the reference numerals from the claims to better conform such claims to U.S. practice. In doing so, Applicant has also addressed the Examiner's objection to claim 1. Thus, Applicant respectfully requests the Examiner to withdraw such objection.

35 U.S.C. § 102:

An anticipation rejection under 35 U.S.C. § 102 is proper only if the cited reference discloses each and every limitation of the claimed invention, arranged exactly as in the claims. The cited reference Lehner *et al.* (U.S. Patent No. 5,765,527) fails to disclose several limitations appearing in Applicants' independent claims 1 as currently amended. For example, Lehner does not disclose calculating the objective value of the speed, but instead discloses measuring actual speed, neither calculating nor using an objective value of the speed, as disclosed in Applicants' claim 1. Likewise, Lehner fails to disclose generating a control value of the instantaneous torque by means of a first feedback control loop using as an input the objective value of the speed as Applicants disclose in claim 1; instead, in Lehner *et al.* the control value of the instantaneous torque is calculated by the sum between an optimal value generated as a function of the actual speed and the actual load and a correlation factor generated as a function of the ratio between the predetermined torque and the output torque. Further, Lehner *et al.* does not disclose calculating an objective value of the potential torque by adding the control value of the instantaneous torque to the objective value of the torque reserve as Applicants disclose in claim 1. Additionally, Lehner *et al.* does not disclose generating the control value of the predicted torque by means of a



Serial No.: 10/822,100
Confirmation No.: 1720
Applicant: Giovanni Prodi et al.
Atty. Ref.: 12693.0027.00US00

second feedback control loop that uses the objective value of the potential torque as input. Not only does the controller that determines the predicted torque in *Lehner et al* lack a feedback control loop, it does not receive as input the objective value of the potential torque as in claim 1. Instead the input of the controller in *Lehner et al* is a combination of two correction factors calculated as a function of the ratio of the pregiven torque and the output torque and as a function of the ratio between the torque reserve and the output torque. As at least these limitations are wholly missing from the *Lehner et al.* reference, Applicants' submit that these claims are patentable over the art of record.

35 U.S.C. § 103:

Prima facie obviousness requires all the claim limitations must be taught or suggested by the prior art. As described above, *Lehner et al* does not disclose nor suggest any one of the above steps and cannot, therefore, render Applicants claimed invention obvious. In fact, one would have to disregard the teachings of *Lehner et al.* to reach the invention as claimed by claim 1. Accordingly, there cannot be a valid prima facie case of obviousness based even in part on *Lehner et al.* *Lehner et al.* in fact would have to be disregarded in order to reach the invention as claimed in claim 1. The Lukich reference does not disclose the missing limitations, thus *Lehner* in combination with *Lukich* does not render Applicant's claimed invention obvious.

In view of the foregoing Amendments and Remarks, Applicant believes that remaining rejections of the claims have been overcome and that the case is in condition for advance to allowance. Accordingly, Applicant respectfully requests favorable reconsideration and issuance of a Notice of Allowance .

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 12693.0027.00US00.



Serial No.: 10/822,100

Confirmation No.: 1720

Applicant: Giovanni Prodi et al.

Atty. Ref.: 12693.0027.00US00

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,


Michelle C. Replogle

Patent Attorney

Reg. No. 54,394

Tel. 713.787.1535

Date: 10/24/05